

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Freehold Trailer/Lafayette
Station
Freehold, New Jersey 07228
(A. Richard Gatto, Petitioner)

Docket No. A2011-19

COMMENTS OF UNITED STATES POSTAL SERVICE

(August 16, 2011)

By means of Order No. 754 (June 28, 2011), the Postal Regulatory Commission docketed correspondence from customers of the Freehold Trailer in Freehold, New Jersey, assigning PRC Docket No. A2011-19 as an appeal pursuant to 39 U.S.C. § 404(d). The Postal Service renews the arguments set forth in its Notice of Filing¹ that are also found in its Comments in PRC Docket No. A2010-3² ("A2010-3 Comments").

This appeal concerns a station, and not a Post Office for purposes of 39 U.S.C. § 404(d). As described in the A2010-3 Comments (at 5-9), section 404(d) does not apply to retail locations such as stations which are subordinate to a Post Office. In the Postal Service's view, Congress knowingly used "Post Office" in its technical sense thereby excluding stations and branches, as demonstrated in the legislative history, and because Congress had used "Post Office" in its technical sense for well over a century. Accordingly, the Commission lacks jurisdiction to hear Petitioners' appeal.

¹ Notice of United States Postal Service, PRC Docket No. A2011-19 (July 7, 2011).

² Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010).

In addition to the Postal Service's position on jurisdiction, addressed in more detail in PRC Docket Nos. A2010-3 and N2009-1, the procedural requirements of 39 U.S.C. § 404(d) do not apply here because the discontinuance of the Freehold Trailer does not qualify as a closure envisioned by 39 U.S.C. § 404(d). As the Commission recognized in PRC Docket No. A2010-3, the section 404(d) procedural requirements do not apply where postal customers do not lose access to postal services due to the location of alternate retail facilities in "close proximity" to the discontinued station. See Order No. 477, PRC Docket No. A2010-3 (June 22, 2010) at 7-8. In this case, affected customers will not lose access to postal services because they will continue to have access to the Freehold Post Office, located approximately 2.2 miles from the Freehold Trailer. See Notice of United States Postal Service, PRC Docket No. A2011-19 (July 7, 2011) ("Notice") at 2, Exhibit 2. In addition, nearby alternate access options are available to customers, and these include four stamp consignment sites located within one-third of a mile from the Freehold Trailer – Mail and Shipping Center LLC, CVS, Postage Bin, and Wells Fargo Bank – and Stamps By Mail®. *Id.* at 3, Exhibit 3.

Even assuming the section 404(d) requirements were applied in the context of the discontinuance of the Freehold Trailer, the Postal Service satisfied the salient provisions of section 404(d). On October 7, 2009, the Postal Service distributed questionnaires to customers notifying them of the possible discontinuance of the Freehold Trailer, and inviting comments on the potential change to the postal retail network. *Id.*, Exhibit 1 (Administrative Record) at Item

No. 30. The Postal Service also made these questionnaires available over the counter for all interested retail customers. *Id.* Through this notification, the Postal Service furnished customers well over 60 days' notice of the Postal Service's intention to consider discontinuance of the facility. The Postal Service received 184 customer responses to the questionnaires, thus confirming receipt of such notice and the extensive input customers provided. *See id.* Upon making the final decision to discontinue the Freehold Trailer, the Postal Service informed the community of the decision through a letter to customers dated May 25, 2011. *See* Petition for Review Regarding the Lafayette Postal Trailer-Freehold, NJ 07728, PRC Docket No. A2011-19 (June 23, 2011), Exhibit 1.

The Postal Service further considered all of the pertinent criteria of section 404(d), including the effect on postal services, the community, and employees, and the economic savings arising from the discontinuance. Administrative Record at Item No. 10. Customers notified the Postal Service of their concerns related to postal services, including the security of the mail, the quality of service, customer traffic, parking, and other conditions of nearby postal facilities; the community, including the effect on senior citizens and the facility's location in the county seat; and employees. *Id.* As reflected in the administrative record, the Postal Service considered these concerns during the decision-making process. *See id.* Affected postal employees will be reassigned to other postal facilities in full accordance with agreements between the Postal Service and employee organizations. *Id.* Finally, the Postal Service provided a breakdown of the costs that serve as a basis for its estimate of economic savings. *Id.* at Item No. 11.

In its responses to customer questionnaires, the Postal Service addressed customer concerns about obtaining services from a different postal retail location. Specifically, the Postal Service informed customers that, if the Freehold Trailer is discontinued, they would have a choice of carrier delivery or Post Office Box service. *Id.* at Item No. 9. It also explained that while a change of address is necessary for those customers choosing carrier delivery service, customers choosing Post Office Box service at the Freehold Post Office could retain their existing addresses. *Id.* In addition, the Postal Service identified the numerous retail service options available to customers, including the Freehold Post Office located within 2.5 miles of the Freehold Trailer, and the ability to purchase stamps by telephone, through the internet, or at stamp consignment locations listed at www.usps.com. *Id.* at Item Nos. 9-10.

For the reasons set forth above, and in the Notice of Filing in this docket and the Postal Service Comments in PRC Docket No. A2010-3, the appeal should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Anthony F. Alverno
Chief Counsel, Global Business

Kenneth N. Hollies
James M. Mecone

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-6525; Fax -6187
August 16, 2011